

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Donna Kushner,

Plaintiff,

vs.

Turner's Marina, LLC d/b/a Hilton Head
Harbor RV Resort & Marina,

Defendant.

Case No.: 9:21-cv-1981-BHH

**COMPLAINT
(JURY TRIAL DEMANDED)**

The Plaintiff, Donna Kushner (hereinafter styled "Ms. Kushner"), brings this Complaint against Turner's Marina, LLC d/b/a Hilton Head Harbor RV Resort & Marina, (hereinafter styled "Hilton Head Harbor") based upon the allegations set forth below:

FACTS, PARTIES, JURISDICTION, & VENUE

1. Ms. Kushner is a citizen and resident of the state of Florida.
2. At all times relevant to this action, Hilton Head Harbor was a corporation organized and existing under the laws of the State of South Carolina with its principal office in Hilton Head, South Carolina.
3. Because Plaintiff is a citizen and resident of Florida and Hilton Head Harbor is organized and existing under the laws of South Carolina, there is complete diversity of the parties.
4. This controversy stems from a fall that occurred while Ms. Kushner was on the property of Hilton Head Harbor because of the dangerous condition of the walkway Ms. Kushner

was attempting to traverse, the condition of which Hilton Head Harbor knew or should have known about.

5. As a result of the fall, Plaintiff sustained severe personal injuries.
6. The fall occurred in Beaufort County, South Carolina.
7. By reason and in consequence of the Hilton Head Harbor's aforesaid acts and/or omissions, Ms. Kushner sustained past, present, and future damages, including but not limited to:
 - a. expenses for medical services, past, present and future;
 - b. lost enjoyment of life;
 - c. physical pain and suffering;
 - d. mental anguish; and
 - e. such other particulars as may be found through discovery or trial.
8. Because of the traumatizing nature of the fall and the grievous nature of the physical and emotional injuries sustained by Ms. Kushner, the amount in controversy exceeds \$75,000.00.
9. Accordingly, this Court has subject matter jurisdiction under 28 U.S.C. § 1332.
10. This Court also has personal jurisdiction over Hilton Head Harbor because it is a South Carolina corporation and does business in Beaufort County.

FIRST CAUSE OF ACTION
(Negligence/Gross Negligence/Recklessness/Negligence *Per Se*)

11. Ms. Kushner incorporates all allegations of the preceding paragraphs into this cause of action.
12. Ms. Kushner was an invitee on the premises of Hilton Head Harbor and, as an invitee, Hilton Head Harbor owed Ms. Kushner a duty to maintain the premises in a reasonably

safe condition.

13. Hilton Head Harbor was negligent, careless, reckless, negligent per se, willful, wanton, and/or grossly negligent in at least one of the following ways:

- a. Failing to maintain the walkway in a reasonably safe condition;
- b. Failing to remedy the unsafe condition it knew or should have known existed; and
- c. Failing to warn the Plaintiff of the unsafe condition.

14. By reason and in consequence of the Defendant's aforesaid acts and/or omissions, Ms. Kushner sustained serious damages as outlined previously and incorporated herein.

WHEREFORE, Plaintiff prays as follows: (a) that the Plaintiff recover a judgment against the Defendant in the amount sufficient to compensate for her actual damages; (b) that the Plaintiff recover a judgment for an amount of punitive damages as authorized by law; (c) that the Plaintiff recover all costs associated with this action; and (d) that the Plaintiff recover such other relief as the Court may deem just and proper.

Respectfully submitted,

LAW OFFICE OF KENNETH E. BERGER, LLC

s/ Bradley L. Lanford

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July 2, 2021

Columbia, South Carolina